

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
) INDICTMENT NO. 05-10039-NG
)
)
ARCENIO POCHE-CHACON)
aka ANDRES DEL ROSARIO ALAYON)

DEFENDANT'S MOTION TO CONTINUE
STATUS HEARING

Arcenio Poche-Chacon (the "Defendant"), in the above-numbered Indictment and through Counsel, moves this Court to continue the Rule 11 hearing on this matter currently scheduled for December 11, 2007.

In support of this motion the defendant's counsel states that he is unable to appear at the scheduled hearing. Counsel appeared earlier in Chelsea District Court in the case of Commonwealth v. John Hicks and while conducting a lobby conference his overcoat along with his car and house keys were stolen. As a result, counsel is unable to appear in court today and requests that this case be continued.

Respectfully submitted,
ARCENIO POCHE-CHACON,
By his Counsel:

'/s/Walter H. Underhill, Esquire'
WALTER H. UNDERHILL
66 Long Wharf
Boston, Massachusetts 02110
(617) 523-5858

DATED: December 13, 2007

SPEEDY TRIAL WAIVER

The defendant agrees that the time from December 11, 2007 until the next scheduled hearing date is excludable time under the Speedy Trial Act and hereby waives said period of time.

SIGNED: ‘/s/Walter H. Underhill, Esquire’
WALTER H. UNDERHILL, ESQ.

RULE 7.1 CERTIFICATION

Defendant’s attorney has notified the government, AUSA Paul Moore, about this situation by leaving a message on his voice mail.

SIGNED: ‘/s/Walter H. Underhill, Esquire’

DATE: December 13, 2007